

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

Plaintiff,

V.

FRANK FORCE KESTING,

Defendant.

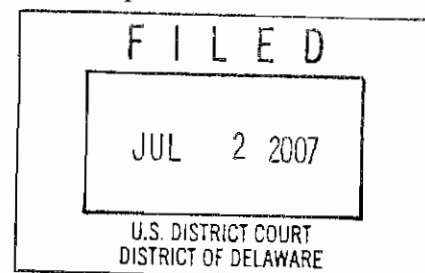
Criminal Action No. 07-94-UNA

FILED UNDER SEAL

**MOTION AND ORDER TO UNSEAL INDICTMENT AND FILE
FOR LIMITED PURPOSE**

The United States of America, by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware and Christopher J. Burke, Assistant United States Attorney for the District of Delaware, moves that the Indictment and File in this case be unsealed for the limited purpose of providing the defendant and his attorneys with copies of the Indictment and other pleadings filed in this matter. In support thereof, the government states as follows:


1. On June 26, 2007, the defendant and eight other individuals were charged by a federal Grand Jury in the District of Delaware, in eight separate indictments, with criminal offenses related to child pornography. Each of the cases are related, in that each defendant separately engaged in Internet "chat" sessions with one of the defendants, Paul R. Thielemann, in which the defendants and Mr. Thielemann engaged in discussions regarding child pornography and/or the molestation of young children. The cases are also related in that the various defendants were each charged with child pornography-related offenses by the State of Delaware within a relatively short time period in early 2007. In these State proceedings, some of the defendants admitted to State law enforcement officers that, after they had learned that other of the defendants had been arrested, they took action prior to their own arrest to destroy evidence of child pornography in their possession.



2. As of today's date, two of the nine defendants who have been federally charged – Eric Ross Tyre and Carl W. Wilson, Jr. – are not yet in either State or federal custody. Federal arrest warrants have been issued for Mr. Tyre and Mr. Wilson and the United States Marshal's Service is actively engaged in attempting to locate and arrest the two men.

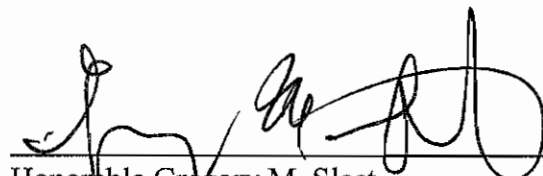
3. The government moves that, aside from the limited purpose set forth above, this matter otherwise remain sealed until the apprehension and arrest of Mr. Tyre and Mr. Wilson, and that defendant and his counsel not be permitted to disseminate information regarding this matter to others during that time. The government believes that this would reduce the possibility that Mr. Tyre and Mr. Wilson will flee from apprehension by federal authorities were they to learn of the existence of this Indictment and of the significant penalties that would result from a conviction of such charges.

COLM F. CONNOLLY
United States Attorney

By: 
Christopher J. Burke
Assistant United States Attorney

Dated: July 2, 2007

AND NOW, to wit, this 2nd day of July, 2007, upon the foregoing Motion, **IT IS HEREBY ORDERED** that the Indictment and File in the above-captioned case be unsealed for the limited purpose of providing the defendant and his attorneys with copies of the Indictment and other pleadings filed in this matter. The matter shall otherwise remain sealed for the reasons set forth in the government's Motion.


Honorable Gregory M. Sleet
United States District Judge